

REMARKS

Claims 1-40 are pending in this application. Claims 1, 5, 21 and 25 have been amended. Support for the amendments may be found, among other places, at page 22, lines 22-27. In this example, a request originating from a bandwidth exchange is communicated to an IXC via an optical switching platform. Note that the bandwidth is made available for exchange via the collocated switching platform, so the exchange of bandwidth necessarily consumes bandwidth on a collocated resource as well as on the participating network.

In a telephone interview on October 20, 2004, the Examiner indicated that the PTOL of the Notice of Non-Responsive Amendment mailed on October 1, 2004 (the "Notice") was improperly marked as final. As explained in the Notice, Applicants' last response mailed June 22, 2003 was deemed non-responsive to the Office Action dated December 22, 2003. Accordingly, the last amendments were not entered and Claims 1-40 alone remain pending. Therefore, the present amendment is responsive to the substance of the December 12<sup>th</sup> Office Action, and is timely filed within the period proscribed by the Notice.

The present invention provides a novel method and system for collocation of disparate, non-homogenous telecommunications, which may be used, for example, to provide efficient provisioning and communication between collocated IXC, PTT, MAN, CSP, ISP, and/or ILEC systems, handling translation between different protocols, for example, SDH, SONET, and Ethernet, to name just a few. Unlike prior-art collocated systems, the disparate telecommunication systems can be non-homogeneous, i.e., of different types or kinds, and may belong to different telecommunication carriers. Bandwidth can easily be exchanged and provided virtually instantaneously via an optical switching platform and other components. Surprisingly, these and other novel aspects of the invention stand poised to enable revolutionary increases in efficiency and competition in the telecommunications industry. Indeed, many of these changes are

already occurring.

The Examiner rejected Claims 1-40 under 35 U.S.C. § 103(a) over various combinations of different references; more particularly, Claims 1-4, 6 and 11-14 were rejected over Saaverda in view of Rasanen, Claims 5, 7-10 and 15-40 in view of Saaverda, Rasanen and Cornell, and Claims 21-40 over the same references, as being corresponding apparatus claims for method Claims 1-20. All of these rejections are respectfully traversed.

Saveerda discloses co-location of competitive local exchange carrier (ILEC) and competitive local exchange carrier (CLEC) equipment in a central office, in the context of a method or system for enabling a CLEC to efficiently secure a local loop to a user location. (Col. 5, lines 55-65; col. 1, lines 62-64.) The local loop can be used for a high bandwidth connection using a digital subscriber loop (DSL) connection. (Col. 1, lines 64-66.) The Examiner acknowledges that Saveerda fails to disclose or suggest co-location of disparate, non-homogenous telecommunications resources, and therefore cites Rasanen.

Rasanen discloses an interworking function (IWF) situated at an interface (e.g., a mobile service switching center (MSC)) between a Global System for Mobile Communications (GSM) mobile network and another telecommunication network, such as an Integrated Services Digital Network (ISDN), a public-switched telephone network (PSTN), or another GSM network. (Col. 4, lines 48-67.) The Examiner cites Rasanen for disclosure of non-homogenous telecommunication resources, and argues that co-location of disparate resources is an obvious modification of co-location in the ILEC/CLEC context. The Examiner also mentioned the admitted prior art at page 3, line 14 through page 4, line 30 for co-location of disparate telecommunications resources.

However, the invention defines more than mere co-location of disparate resources. For example, Claim 1 also defines:

managing provisioning of said at least one telecommunications resource within the at least one colocation site in response to communications with said customers;

collecting information on operation of said at least one telecommunications resource, the information comprising a measure of an amount of telecommunications bandwidth consumed by the respective ones of the customers at the common colocation site, wherein each customer operates a different one of disparate telecommunications networks; and

reporting to said customers based on said collected information.

Saveerda, Rasanen, and the admitted prior art, whether individually or in combination, fail to disclose or suggest centralized management of collocated resources as defined by Claim 1, including a step of collecting bandwidth use information. To the contrary, responsibility for the exchange of bandwidth at a collocation site has instead been the responsibility of the disparate individual system operators. Prior-art collocation management did not include operation of an efficient and intelligent inter-network switch comparable to the optical switching platform of the present invention, or any associated exchange of bandwidth. Saveerda merely discloses each operator managing operation of their own equipment (col. 5:56-65; col. 6:31-38), while the collocation site manager (the ILEC) merely charges for use of space at the collocation site (col. 8:6-26.) Likewise, Rasanen merely discloses a protocol for translating between different communications networks, and fails to disclose or suggest collecting information concerning bandwidth use at a collocated site.

The third reference, Cornell, does not make up for the deficiencies of Saveerda and Rasanen. Cornell is merely cited for disclosure of switching between communications networks, and discloses nothing concerning management of disparate telecommunications resources at a collocation facility, including the collection of bandwidth use information.

Independent Claim 21 defines limitations similar to Claim 1. The subject matter defined by these Claims 1 and 21 is not disclosed or suggested by any of the references. Claims 1 and 21 are therefore allowable, and the remaining claims are also

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allowable, at least as depending from allowable base claims.

In view of the foregoing, the Applicants respectfully submit that Claims 1-40 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited.

To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

While the Applicants believe that no fees are due in connection with the filing of this paper, the Commissioner is authorized to charge any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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